

R E M A R K S

In response to the Examiner's comments:

- a. Claims 1-8 have been canceled; and
- b. Claims 9-17 have been added.

As will be appreciated, Claims 9-17 are submitted to more particularly define Applicant's invention and to more clearly distinguish it from the references of record. This follows from the recognition set out in the Specification that chimneys today "are very rarely constructed of bricks and mortar" but, instead, are made out of materials which over time rust and corrode. With rain, sleet and snow, the result without the invention would be a staining of the vinyl siding on the house giving to it an unattractive appearance, and leading to a corrosion and rotting of the materials.

The present invention comprises a chimney cap manufactured at a shop as a frame to fit over a rusting chimney pipe in a waterproof manner. With an overlying stainless steel pipe (reference numeral 12) that fits around the rusting pipe of the chimney, with a downwardly pitched stainless steel top plate (reference numeral 14) extending outwardly from the pipe 12, and with a wood frame 20 overlain with a color coated aluminum to match the color of the siding on the house, the cap is complete. Where the top plate 14 meets with the frame 20, a solar protected caulking of long life is provided to seal their join. With the material compositions set forth in the Specification and as recited in the newly added claims, essentially a lifetime protection against staining of the vinyl siding of the house then results. By manufacturing the chimney cap of the invention so that the frame surrounds the existing chimney, and so that its stainless steel pipe fits around the flue pipe of the chimney, none of the original existing structure needs to be changed or replaced in order to accomplish the repair installation. All that then remains is to place a rain cover on top of the cap.

As such, it will be readily apparent that neither of the Daniels and Anderson cited references are concerned with this problem, nor propose the solution offered by the amended claims. Both are concerned with brick chimneys to begin with -- while Daniels is concerned with a swinging chimney cap to both keep animals out and to allow for easy cleaning of its furnace. Anderson, on the other hand, is concerned only with a construction for increased air flow in a chimney.

Newly added Claims 9-17 are respectfully submitted to now distinguish both structurally and patentably over the cited references, and allowance of these claims is respectfully requested.

Respectfully submitted,

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